

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #5	CCRB Case #: 201908248	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/11/2019 6:40 AM	Location of Incident: § 87(2)(b)	Precinct: 107	18 Mo. SOL 3/11/2021	EO SOL 10/26/2021	
Date/Time CV Reported Wed, 09/11/2019 4:40 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/18/2019 10:30 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Michael Leclair	5045	943471	WARRSEC
2. SDS Michael Powers	05347	900580	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 Jason Maggio	07681	906689	WARRSEC
2. DT2 Kevin Brady	00646	915340	WARRSEC
3. DT3 Munir Alhidami	1315	940953	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.SDS Michael Powers	Abuse: Sergeant Michael Powers entered § 87(2)(b) in Queens.	§ 87(2)(b)
B.SDS Michael Powers	Abuse: Sergeant Michael Powers damaged § 87(2)(b) s property.	§ 87(2)(b)
C.DT3 Michael Leclair	Abuse: Detective Michael Leclair entered § 87(2)(b) in Queens.	§ 87(2)(b)
D.DT3 Michael Leclair	Abuse: Detective Michael Leclair damaged § 87(2)(b) s property.	§ 87(2)(b)

Case Summary

On September 11, 2019, § 87(2)(b) filed this complaint by phone with the CCRB.

On September 11, 2019, at approximately 6:40 a.m., Sergeant Michael Powers (now retired) and Detectives Michael Leclair, Munir Alhidami, Jason Maggio (now retired), and Kevin Brady (now retired), all from the Manhattan Warrants Section's Violent Felony Squad (VFS), went to § 87(2)(b)'s apartment at § 87(2)(b) in Queens. Det. Leclair was investigating an individual he believed to be § 87(2)(b)'s boyfriend, § 87(2)(b), § 87(2)(e), § 87(2)(f). § 87(2)(b) was not home at the time. The officers allegedly opened windows in § 87(2)(b)'s ground-floor apartment and allegedly damaged her window shades and front door (**Allegations A–B: Abuse of Authority, § 87(2)(g); Allegations C–D: Abuse of Authority: § 87(2)(g)**). No arrest or summons resulted during this incident.

The investigation obtained several angles of surveillance video footage from § 87(2)(b)'s NYCHA complex (**Board Review 01–07**, summarized at **Board Review 08**). The investigation also recorded videos of § 87(2)(b)'s apartment during field work at the location (**Board Review 09–10**). All references to video evidence in this report refer to the timestamp in the video player, and not to any on-screen clock embedded in the footage itself.

This investigation was significantly delayed by the COVID-19 global pandemic as well as issues with remote MOS interviews. The NYPD further delayed this investigation by refusing to provide critical documents regarding Det. Leclair's investigation into § 87(2)(b) while that investigation was ongoing; the investigation remained open for over a year after this incident before § 87(2)(b) was finally arrested.

§ 87(2)(g)

Findings and Recommendations

Allegation A—Abuse of Authority: Sergeant Michael Powers entered § 87(2)(b) in Queens.

Allegation B—Abuse of Authority: Sergeant Michael Powers damaged § 87(2)(b)'s property.

Allegation C—Abuse of Authority: Detective Michael Leclair entered § 87(2)(b) in Queens.

Allegation D—Abuse of Authority: Detective Michael Leclair damaged § 87(2)(b)'s property.

The following facts are undisputed. Det. Leclair had a probable-cause I-Card for § 87(2)(b) § 87(2)(e), § 87(2)(f) (**Board Review 11**), as well as an unrelated bench warrant (**Board Review 12**). Det. Leclair's prior database searches revealed that § 87(2)(b) had listed § 87(2)(b)'s address as his residence on multiple occasions. Det. Leclair had searched for § 87(2)(b) at § 87(2)(b)'s apartment on June 18, 2019 (the incident under investigation in CCRB case #§ 87(2)(b) but § 87(2)(b) was not present. It is further undisputed that Det. Leclair and his team entered § 87(2)(b)'s apartment building and knocked on her apartment door for some time. Other officers, including at least Det. Brady, patrolled the perimeter of the building. Det. Leclair spoke to § 87(2)(b) over the phone, but she said she was not home and refused to meet him in person to speak further. Det. Leclair and his team left without further incident and did not make any arrests or summonses. § 87(2)(g)

§ 87(2)(b) (**Board Review 13-14**) recounted that, upon returning home on the afternoon of this incident date, she noticed several signs of new property damage and what she believed to be signs of attempted forced entry at her ground-floor apartment. Specifically, § 87(2)(b) noticed several new scratches to her front door by the peephole, which appeared to her to be the results of attempts to pry off the peephole cover from the outside. When § 87(2)(b) opened the front door, she noticed scrapes and scratches on the inside edge of the side of her front door, which appeared to her to be the result of

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someone trying to pry the door open with some kind of tool. § 87(2)(b) checked all of the windows in her apartment, each of which she had left fully closed but unlocked when she left for work earlier that morning. At least some of the windows were partially opened. In § 87(2)(b)'s telephone statement from the date of the incident, she stated that only one unspecified window was opened when she returned home. However, in her CCRB interview the next day, she stated that every window was opened, except for a small bathroom window and one window in her child's bedroom that had an air conditioner unit in it. § 87(2)(b) also observed that the shades and vertical blinds in the opened windows were askew and partially broken. § 87(2)(b) described this property damage as minor and was able to fix it by the time she was interviewed at her apartment the next day, so the investigation was unable to obtain any photographs of the alleged property damage to the shades and blinds.

§ 87(2)(g)

The investigation took several photographs and videos at § 87(2)(b)'s apartment within 24 hours of the incident. The videos (**Board Review 09, 10**) document the layout of the apartment. The photographs depict the windows in question (**Board Review 14–18**) as well as the alleged property damage to the front door (**Board Review 19–23**).

NYCHA surveillance footage from the exterior of § 87(2)(b)'s apartment building (**Board Review 03**, between 22:54 and 01:05:00) shows members of the VFS team walking around § 87(2)(b)'s apartment building and looking into the windows. Between 54:31 to 01:05:00, it also shows that Det. Brady approached the window to § 87(2)(b)'s living room and stepped up onto the building's ledge to bring his body closer to the windowsill for a few minutes. The camera angle does not show his body once he steps up to the window ledge. Accordingly, the exterior footage does not show what, if anything, Det. Brady did to the living room window during this time. The photographs in **Board Review 17–18** depict the living room window that Det. Brady climbed up to as shown in the NYCHA footage.

NYCHA surveillance footage from the interior lobby of § 87(2)(b)'s apartment building (**Board Review 02**, between 30:20 and 01:05:00) shows that Det. Leclair and Sgt. Powers entered the lobby and approached the front door of § 87(2)(b)'s apartment, which is just off-screen in the bottom right atop a few steps of stairs. However, the camera does not show what, if anything, they were doing at the front door. There are several feet of hallway between the edge of the camera frame and the front door itself, so the area where they were likely standing while knocking is out of view.

Sgt. Powers, Det. Brady, and Det. Maggio all retired from the NYPD before the investigation could interview them. As described previously, the COVID-19 global pandemic and issues with remote MOS interviews delayed the investigation. Interviews and memo books of two other members of the VFS team potentially involved in this incident—Det. Mischo and Det. Garcia—established that they were not actually on scene (**Board Review 24–27**). As a result, the only officers present for this incident whom the investigation could interview were Det. Leclair and Det. Alhidami.

Det. Leclair (**Board Review 28**) acknowledged that his VFS team does sometimes open windows depending on the circumstances—such as if they see someone inside an apartment—but every incident is different. Det. Leclair and Det. Alhidami (**Board Review 29**) both denied that they opened any windows. Det. Leclair heard members of the VFS team radio to him that they could not see into the apartment, but they never said anything about opening windows. Det. Leclair did not know if any other officers opened any windows. Det. Alhidami denied that any officers opened any windows.

Although Det. Leclair believed he would have been legally justified in forcing entry to § 87(2)(b)'s apartment, he declined to do so because he wanted to do § 87(2)(b) “a courtesy.” Det. Leclair feared that forcing entry when she was not there would erode any trust that he may have built with her and make her future cooperation less likely. He also did not want to leave her with a bill to repair property damage. The extent of Det. Leclair's contact with the door was knocking, kicking it with the toe of his boot to knock more loudly, and trying to see through the peephole to no avail.

Det. Leclair denied trying to pry the door open and did not believe that he damaged it in any way. Det. Alhidami also denied that officers ever tried to force the door open or tried to remove or pry off the

peephole. Det. Leclair viewed the photographs of § 87(2)(b)'s front door (**Board Review 24–27**). When asked if he caused the apparent damage depicted in the photographs, Det. Leclair said, “I don’t believe so.” Det. Leclair did touch—but did not try to pry off—the peephole, solely to try and see through it and into the apartment. When asked if he ever tried to remove the peephole, Det. Leclair said, “No, cause if I did, I would’ve gotten it off.”

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- Besides the related case #§ 87(2)(b) regarding Det. Leclair’s prior visit to her apartment, this is the only other CCRB complaint involving § 87(2)(b) (**Board Review 30**).
- Det. Leclair has been a member of service for 14 years and has been named a subject in two other CCRB complaints and six other allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of May 19, 2021, the NYC Office of the Comptroller has no record of any Notice of Claim regarding this incident (**Board Review 31**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: #05

Investigator: Conor Seamus O’Shea
Signature

Investigator Conor O’Shea
Print Title & Name

July 8, 2021
Date

Squad Leader: Daniel Giansante
Signature

IM Daniel Giansante
Print Title & Name

July 8, 2021
Date

Reviewer: _____
Signature

Print Title & Name

Date

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